

Report of the 2020 Special Committee for Review of Ordinances

Exhibit C

Ordinances Recommended for Further Study

1. General Sign Regulations.

Councilor Alex Jarrett asked the Committee to recommend that the City Council review §350-7.2 General Sign Regulations based on the Supreme Court decision Reid vs. Town of Gilbert. That case significantly changed the permissible scope of regulation of signs by prohibiting differentiation of regulation based upon the content of the sign. City Solicitor Seewald explained that the existing ordinance is not being enforced and that he has taken up this issue with the Council President and the Assistant Director of Planning and Sustainability. The Committee voted on March 15, 2021 to urge the City Council to continue to study this issue and to revise the existing ordinance to conform to Supreme Court precedent.

2. Proposal to Expand Notification under §350-3.5.

Councilor Nash proposed an ordinance to expand notification of proposed changes to zoning district lines under §350-3.5 to include owners and tenants of abutting properties in addition to owners of affected properties. The Committee referred the issue to the Planning Board for review and comment. While the expansion of notification would provide greater transparency regarding nearby zone changes, the Planning Board had concerns with the ability of the city to identify those entitled to expanded notice and the potential that such an ordinance would increase litigation against the city. The Board recommended:

- Develop an address list of property owners and residents for mail notification.
- Develop an address list where notices are sent to the “resident” at a given address, forgoing the need for a resident’s name
- Increase use of listservs for notification (Planning Department, City Councilors, neighborhood groups, etc)

Councilor Nash informed the Committee that he and Council President Sciarra will continue to study this issue. On March 23, 2021, the Committee voted to recommend further study of this issue.

3. Towing of Vehicles Impeding Snow Removal Operations

Councilor Foster brought § 312-51 to the Committee’s attention to the towing of vehicles for snow removal, which disproportionately impacts renters and creates a significant hardship for lower income residents. The Committee referred the issue to Planning Board for review and comment. The Planning Board pointed out that the parking issues cited by the councilors appear to arise around pre-existing, non-conforming properties that are not required to comply with the parking requirements in our zoning and recommended:

- Improved seasonal messaging around snow emergencies, parking restrictions, and clearing snow from sidewalks;
- Explore a reduced or free towing fee/fine for first time offense;
- Provide more consistent parking enforcement across the city;
- Develop a renters' folder with important information;
- Explore pop-up parking lots on private property;
- Inquire with the NPD where such towing occurs and better communicate with the residents in that particular area.

Councilor Nash informed the Committee that he and Councilor Foster will continue to study this issue. On March 23, 2021, the Committee voted to recommend further study of this issue.

4. Commercial Buffer Zone Proposal

Councilor Alex Jarrett suggested that the Committee recommend a Commercial Buffer Zone Proposal to supplement § 312-25 Prohibited Activities During Certain Hours of the Day with specific regard to commercial trash removal in proximity to residential structures. The ordinance is general in nature, but it uses zoning terminology in terms of location of its applicability. The Committee noted that there would be difficulty in determining exactly where that line of demarcation would be located. Action deferred at Councilor Nash's request pending further research. On March 23, 2021, the Committee voted to recommend further study of this issue.

5. Unobstructed Lane of Travel.

Fred Zimnoch brought to the Committee an inconsistency between §312-27(F), which prohibits parking that would not leave a 12' wide unobstructed lane for passing traffic, and the enforcement provision contained in §312-99. In Exhibit B to this Report, the Committee has recommended that the two provisions be made consistent at a width of 12 feet. At the same time, the Director of the Department of Public Works pointed out that literal enforcement of this provision would require that parking be prohibited on many older streets in the more densely populated areas of the City, where the road width would not permit such an unobstructed lane along parked cars. Considering the balance necessary between the need for parking in those neighborhoods and the need for safe passing lanes, on March 23, 2021, the Committee recommended further study of this issue.

6. Charter Review

Member Paik suggested that the Committee recommend that the frequency of the review of the Northampton City Charter pursuant to Section 10-6 of the Charter and Chapter 9 of the Code of Ordinances, which is undertaken at ten-year intervals in years ending in a nine, be increased. Member Paik noted that, as part of ordinance review, committee members discovered that many areas of concern are in the exclusive purview of the

executive branch. The mayor has broad powers to be able to create departments. set policy, hire staff, etc. On March 23, 2021, the Committee voted to recommend further study of this issue.